

**Statement of Dwight M. Williams
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Department of Homeland Security
Before the House Committee on Homeland Security
Subcommittee on Management Integration and Oversight**

Introduction

Chairman Rogers, Congressman Meek, and distinguished Members of the Subcommittee:

I appreciate the opportunity to discuss the process and procedures used by the Department of Homeland Security (DHS) for determining employee suitability and issuing security clearances. My name is Dwight Williams, and I am a career executive serving as the Chief Security Officer (CSO) for the Department. My office's two primary responsibilities are to provide 1) security policy oversight and guidance to DHS and 2) direct security support and services to DHS components without dedicated security offices. Prior to becoming DHS CSO, I spent four years at legacy U.S. Customs and Border Protection (CBP) as the Director of the Security Programs Division, and more than 20 years with the Washington, D.C. Metropolitan Police Department in a variety of assignments culminating as the Director of the Office of Professional Responsibility.

The Department's mission to lead the unified national effort to secure America requires that only trustworthy and reliable individuals are granted access to classified information or placed in sensitive positions. The Department owes this duty to its employees, other government agencies, and the American people. As a result, the Department imposes the highest personnel security standards for its employees and has established first-rate programs to meet these standards.

Background

The efficiency and effectiveness of the personnel security vetting processes directly affects each DHS component. The Department thoroughly vets all of its employees as well as state, local, and private-sector partners who require access to classified information.

Various executive orders and regulations govern the process by which DHS and all other executive branch agencies determine employee suitability and grant access to classified information. The DHS Office of Security, through the Chief Security Officers' Council—which is comprised of the chief security officers of the Department's major components as well as other key DHS security officials—ensures that policy formulation and implementation are consistent with applicable regulations. The CSO Council also provides a forum for these senior DHS security officials to address issues affecting the DHS security community and to develop and implement a common vision and strategic direction for security within the Department.

The Clearance Process

Prior to discussing the Department's security clearance process, it is important to briefly note two distinctions: between federal employees and contractors and between suitability for government employment and eligibility to hold a security clearance.

Employee vs. Contractor Clearances

DHS vets all contractors with staff-like access to its facilities. With respect to contractor clearances, DHS is a signatory to and participates in the National Industrial Security Program (NISP). The NISP was established by Executive Order 12829 to serve as a single, integrated program for the protection of classified information released to or accessed by industry. The President designated the Secretary of Defense as the Executive Agent for the NISP. Until the recent transfer of its personnel security investigative mission to the Office of Personnel Management (OPM), the Defense Security Service (DSS) conducted investigations for personnel security clearances in support of DHS classified contracts, grants, or related activities and monitored compliance with safeguarding requirements. OPM has now largely assumed that responsibility. The Defense Industrial Security Clearance Office (DISCO), a field element of DSS, continues to adjudicate and issue personnel security clearances to DHS contractors.

Suitability vs. Eligibility

A suitability determination, which considers an individual's character, reputation, and trustworthiness in relation to the specific job position, is a requirement for all government employment, regardless of whether access to classified information is involved. The Office of Security ensures that components meet minimum suitability requirements; specific suitability standards beyond those requirements are the prerogative of the individual agency, enabling it to tailor them to its missions and positions. Although DHS's myriad missions and components preclude a single one-size-fits-all approach to suitability, some specific factors such as criminal or dishonest conduct apply across the board.

Criteria for Establishing Eligibility to Access Classified Information

As mandated by executive order and implemented by DHS and other executive branch agencies, the primary criterion for granting access to classified information is an employee's "need for access," which is defined as a determination that an employee requires access to a particular level of classified information in order to perform or assist in a lawful and authorized governmental function..

In addition to possessing a "need for access" on a regular, on-going basis, employees must be granted a security clearance based upon a favorable adjudication of an appropriate background investigation, be briefed on their responsibilities for protecting classified information, sign a nondisclosure agreement acknowledging those responsibilities, and agree to abide by all appropriate security requirements.

Background Investigations

Each DHS employee with a clearance is subject to a comprehensive, thorough background investigation, although different clearance levels require different levels of review. For example, to be eligible for a Top Secret clearance an employee must undergo a Single Scope Background Investigation (SSBI). For a Secret clearance and below, the scope of the investigation varies, but includes various database checks, criminal history record checks, and other sources as necessary to cover specific areas of an individual's background. In addition to the initial investigation, employees with clearances are required to submit to periodic reinvestigations. (Periodic reinvestigations are conducted every 5 years for Top Secret and 10 years for Secret clearances.) With the exception of the Secret Service, CBP, Immigration and Customs Enforcement (ICE), and the DHS components serviced by the Office of Security, all other components are required to use OPM to conduct these various background investigations for their employees. The Secret Service uses its own employees to perform these investigations while CBP, ICE, and the OS have contracted with several companies to provide this investigative service. Process improvements and other management efficiencies have enabled my office to reduce the amount of time it takes to complete investigations without compromising quality and comprehensiveness.

Security Clearance Adjudication

The DHS component security offices plus the Office of Security adjudicate background investigations for the employees they service according to the 13 government-wide adjudicative guidelines listed in 32 CFR Part 147. The adjudication process is designed to allow the careful weighing of these guidelines known as the "whole person concept." In other words, adjudicators review the investigative file, take into account mitigating information, and in some cases request a follow-up interview before deciding whether to recommend denying, granting, or revoking a security clearance. Adjudicative decisions are, to a certain extent, unavoidably subjective; however, decisions are based on the interpretation of the adjudicative guidelines noted above. These standards include an assessment of the individual's allegiance to the United States, personal conduct, involvement with drugs and alcohol, and financial stability. My office has instituted several measures to help ensure adjudicative quality and consistency. Adjudicators receive both in-house and external training, and are mentored by senior personnel security specialists. In addition, DHS has established adjudicator roundtables to share information among components. Finally, the executive branch is currently reviewing the adjudicative process and actions of 23 agencies to identify training gaps or other variances that could adversely affect determinations.

Reciprocity

The principle of reciprocity has been mandatory for executive branch agencies for more than a decade. The Intelligence Reform and Terrorism Prevention Act recently reiterated and expanded upon this requirement. Reciprocity mandates acceptance of equivalent personnel security clearances and accesses across federal agencies. In other words, if a prospective employee holds a current clearance as a result of previous military or other government service, the Department is required to accept this clearance without additional investigation. The

reciprocity principle also governs personnel transfers among DHS components. In fact, recently issued executive agency-wide guidance prohibits agencies from requesting that individuals with existing security clearances complete a new security questionnaire; reviewing the existing questionnaire; reviewing the existing background investigation for the individual; or initiating any new investigative checks. Only limited exceptions to this policy are permitted, such as clearances granted by waiver or on a temporary or interim basis; when an individual is being considered for access to a program of a sensitivity level different from that of the existing program; or if there is known or existing derogatory information. It is important to emphasize that reciprocity does not apply to suitability determinations. As mentioned above, agencies are permitted to match specific suitability standards to their missions and positions. As a result, new suitability determinations can appropriately be made if an employee of another agency applies for a position at DHS (or if a DHS employee changes positions within the Department).

Conclusion

Over the past three years, the demands within the Department (and across the executive branch) for personnel security clearances have increased significantly. Through internal DHS coordination initiated by my office as well via the inter-agency Security Clearance Oversight Group, the Department is continually working to evaluate and assess ways to improve the process of conducting and adjudicating background investigations and granting security clearances. For example, we are exploring ways to apply enhanced continuing evaluation measures to our cleared population. To this end, the Department is conducting pilot testing of the Defense Department's Automated Continuing Evaluation System (ACES). ACES provides automated database checks on cleared individuals between their regularly scheduled periodic reinvestigations. Through this and similar initiatives, DHS is committed to providing the most efficient and highest-quality personnel security services.

Thank you again, Mr. Chairman, for the opportunity to speak to you today. I will be happy to answer any questions from you or the other Members of the Subcommittee.